

FIRST REGULAR SESSION

HOUSE BILL NO. 975

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHARDSON.

2211L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to damages for certain civil actions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.556, to read as follows:

537.556. In all civil actions involving claims that arise from the ownership, maintenance, management, or control of underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1980, or that arise from chat or tailings generated at those sites, brought against persons or entities alleged to have owned, maintained, managed, or controlled such sites, chat, or tailings at any time, such persons and entities shall be exempt from punitive or exemplary damages with respect to all claims that relate in any way to the ownership, maintenance, management, or control of such sites, chat, or tailings, so long as such persons or entities or their employees, agents, owners, parent, subsidiary, or any related companies have made or are making good faith efforts to remediate such sites. Any evidence may be introduced to demonstrate good faith efforts to remediate; however, substantial compliance with an order or permit issued by or negotiated with either the state of Missouri or the United States concerning remediation or closure shall be deemed to be good faith efforts to remediate. The exemption from punitive damages provided for in this section shall not apply if the trier of fact finds that the injury that is the subject of the civil action is attended by circumstances of fraud, malice, or willful and wanton conduct. In the event that good faith efforts to remediate a site have not been made or the injury is found to be attended by circumstances of fraud,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 malice, or willful and wanton conduct, then the total of any awards of punitive or
19 exemplary damages shall not exceed five hundred thousand dollars in the aggregate as to
20 all defendants in a civil action within this section. The provision of section 537.675 shall
21 not apply to such action, and one hundred percent of any such awards for punitive or
22 exemplary damages shall be paid into the Missouri lead abatement loan fund established
23 under section 701.337.

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